

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6309

BILL NUMBER: HB 1148

DATE PREPARED: May 3, 1999

BILL AMENDED: Apr 29, 1999

SUBJECT: Courts and court officers.

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

STATE IMPACT	FY 2000	FY 2001	FY 2002
State Revenues			
State Expenditures		1,612,925	2,187,704
Net Increase (Decrease)		(1,612,925)	(2,187,704)

Summary of Legislation: (CCR Amended) This bill changes the expiration date for the Commission on Courts from June 30, 1999, to June 30, 2003.

It increases the annual appropriation to the Indiana Conference for Legal Education Opportunity from \$550,000 per state fiscal year to \$625,000 per state fiscal year.

It adds judicial officers as follows:

Effective July 1, 1999:

- Three magistrates in Allen County;
- One magistrate in Cass County (until 1-1-01, when the magistrate will be replaced with a judge);
- One magistrate in Clark County;
- One magistrate in Elkhart County;
- One magistrate in Floyd County;
- Three magistrates in Lake County;
- One magistrate in LaPorte County;
- One magistrate in St. Joseph County (circuit court);

- One magistrate in Sullivan County; and
- Two magistrates in Vanderburgh County.

Effective September 1, 1999:

- Two magistrates in St. Joseph County (superior court);

Effective July 1, 2000:

- Three judges in Lake County;

Effective January 1, 2001:

- One judge in Cass County;
- One judge in Elkhart County; and
- One judge in Tippecanoe County.

It converts the county court in Noble County to a superior court and converts two county courts in Tippecanoe County to superior courts. It transfers the county court magistrate to the Tippecanoe superior court.

The bill allows a magistrate serving the Allen superior court or St. Joseph superior court to issue final orders in cases on the small claims docket and in proceedings related to the issuance of a protective order against abuse. It expands the jurisdiction of the magistrate of the Marion superior court who is currently empowered to preside over drug-related proceedings to include jurisdiction over other criminal proceedings.

It allows the Governor to fill a vacancy on the Lake superior court, county division, without a recommendation by the Lake County Judicial Nominating Commission.

It describes the powers of the presiding judge of the St. Joseph superior court, and changes the title of the judge from presiding judge to chief judge.

It requires that a person elected as judge of the Avon town court to be an attorney in good standing, and exempts from the requirement the person elected as judge of the Avon town court in the 1999 general election.

Effective Date: (Amended) Upon passage; July 1, 1999; January 1, 2001.

Explanation of State Expenditures: (Revised) This bill extends the expiration date of the Commission on Courts from June 30, 1999 to June 30, 2003. The 13-member Commission is composed of eight legislative members, and five lay members based on appointment. The current Legislative Council Resolution allows for legislative members to receive per diem of \$117 per day and lay members to receive \$50 per day (state employees do not receive per diem). All members are entitled to a travel reimbursement of \$.28 per mile. The Legislative Council Resolution 1-98 provides an annual budget of \$9,000 for study committees consisting of less than 16 members.

The Legislative Services Agency provides the staff to the Commission, and additional costs will be absorbed within the existing budget.

The total annual cost of this bill in FY 2000 is estimated to be \$1,612,925. This figure reflects the estimated cost to extend the expiration date of the Commission on Courts, the additional \$75,000 in funding for CLEO and to fund an additional seventeen (17) magistrates and six (6) judges. The effective date for two (2) of the St. Joseph County magistrates is September 1, 1999. The effective date for the remaining fifteen (15) new magistrates is July 1, 1999.

The total annual cost of this bill in FY 2001 is estimated to be \$2,187,704. This figure reflects the estimated cost to extend the expiration date of the Commission on Courts, the additional \$75,000 in funding for CLEO and to fund the additional judicial officers. Because the Cass County magistrate added in FY 2000 will be replaced on January 1, 2001 with a judge, the FY 2001 figure reflects the estimated cost to fund seventeen (17) magistrates for the first half of FY 2001 and sixteen (16) magistrates and three (3) of the five (5) judges for the second half of FY 2001. The effective date for the remaining three (3) Lake County judges is July 1, 2000. For Cass County, the first six months reflect the cost of the magistrate and the second six months reflect the cost of the judge.

The per magistrate cost of \$91,735 includes: \$72,000 for annual salary, \$14,083 for fringe benefits [this includes the contribution for the Public Employees' Retirement Fund (PERF), of which magistrates are members], \$4,852 for health/dental/vision insurance and \$800 for costs incurred by the Indiana Judicial Conference for training, publications, and conferences.

The per judge cost of \$128,616 includes: \$90,000 for annual salary, \$8,964 for fringe benefits, \$4,852 for health/dental/vision insurance, \$24,000 for the annual State General Fund contribution to the Judges Retirement Fund (trial court judges are not members of PERF); and \$800 for additional training, mailing, and travel reimbursement expenses incurred by the Indiana Judicial Center.

The addition of judicial officers also impacts the Division of State Court Administration. The Division is responsible for payroll and benefit administration for all judicial officers; statistical report preparation (which requires training of new court staff, and the collection, review, publication and analysis of court statistics); the appointment of senior judges; the revision of special judge selection rules; and the provision of employment law counsel to judges regarding employment law issues.

The table below illustrates the estimated cost to fund the additional judicial officers by county and fiscal year.

County	Magistrates	Judges	Effective Date	FY 2000 cost	FY 2001 cost
Allen	3		7-1-99	\$275,205	\$275,205
Cass	1		7-1-99 (until 1-1-01)	\$91,735	\$48,694
Clark	1		7-1-99	\$91,735	\$91,735
Elkhart	1		7-1-99	\$91,735	\$91,735
Floyd	1		7-1-99	\$91,735	\$91,735
LaPorte	1		7-1-99	\$91,735	\$91,735
Lake	3		7-1-99	\$275,205	\$275,205
St. Joseph	2		9-1-99	\$152,900	\$183,470
St. Joseph	1		7-1-99	\$91,735	\$91,735
Sullivan	1		7-1-99	\$91,735	\$91,735
Vanderburgh	2		7-1-99	\$183,470	\$183,470
Cass		1	1-1-01		\$67,134
Elkhart		1	1-1-01		\$67,134
Tippecanoe		1	1-1-01		\$67,134
Lake		3	7-1-00		\$385,848
Totals	17	6		\$1,528,925	\$2,103,704

The remaining provisions of the bill, including the conversion of the Noble County and Tippecanoe County courts to superior courts, have no measurable fiscal impact.

Additional information is available at the Legislative Services Agency upon request.

Explanation of State Revenues: (Revised) Adding magistrates and judges may result in an increase of the number of cases processed in courts of record and speed up the collection of court costs, a percentage of which are deposited into the state General Fund.

When court costs are collected by a court of record, 70% goes to the State General Fund, 27% goes to the county general fund, and 3% goes to the local municipal fund (but only if the city or town maintains a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record).

Explanation of Local Expenditures: (Revised) County expenditures may increase due to administrative costs associated with the hiring of support staff and the provision of office space for the additional magistrates and judges.

Explanation of Local Revenues: (Revised) Adding magistrates and judges may result in an increase of the number of cases processed and speed up the collection of court costs, a percentage of which are deposited into the county general fund and local municipal fund.

State Agencies Affected: Legislative Services Agency; Indiana Judicial Conference; Division of State Court Administration.

Local Agencies Affected: Trial courts of Allen, Cass, Clark, Elkhart, Floyd, Lake, LaPorte, Marion, Noble, St. Joseph, Sullivan, Tippecanoe and Vanderburgh Counties.

Information Sources: Division of State Court Administration; IC 33-4-7-9.1; State Budget Agency; Indiana Judicial Conference; 1997 Indiana Judicial Report.